

Exhibit 91



Making San Francisco Bay Better

August 21, 2003

Mark Sanders
16075 Skyline Boulevard
Woodside, California 94062

SUBJECT: Future Amendments to BCDC Permit No. 2-02; Westpoint Marina

Dear Mr. Sanders:

Thank you for the memo dated August 8, 2003 and received in the Commission's office on August 11, 2003 requesting revisions to BCDC Permit No. 2-02, which was approved by the Commission on August 7, 2003. As we discussed before the August 7 Commission meeting, a permit amendment is required for changes to a major permit once it has been approved by the Commission. Therefore, only very minor corrections can be made to a permit once the Commission has voted on it. Unfortunately, only two of the concerns you have raised can be corrected before issuance of the permit.

Outlined below is the information that must be submitted for a permit amendment on these issues. We understand that you raised concerns with most of these items previous to the Commission vote on the project. However, you were given the option of delaying the Commission's vote to allow time to resolve these remaining issues.

1. **Special Condition II-B-13; Easement with Cargill for Fire Road.** The road you may wish to /or need to build to Seaport Boulevard through Cargill property was not authorized in the permit because you did not request authorization for its construction, provide details on what is needed to construct the road, and were unable to provide an easement for the portion of the roadway site that you do not own. In a letter to you from staff dated June 20, 2003, we asked that you research whether Cargill and the City of Redwood City Fire Department would allow this road, if built, to be used for public access and provide written evidence of their feedback. That letter noted that BCDC's permit was likely to include a condition that required that if the fire road is built, and if and when all parties agree, the fire road should be used for pedestrian and bicycle access. We requested this information to understand the impacts to the proposed public access at the site, as the connections to Seaport Boulevard previously proposed by you could not be constructed through Pacific Shores. It was unclear to staff, at that point, what would be required to build the road and you did not seek authorization to construct it.

To get a permit amendment to construct the road you need to submit an amendment request that includes the following: (a) an easement with Cargill that allows construction and use of a road; (b) site plans that include dimensions (e.g., width, length, square footage, and volume of fill) of the proposed road, and; (c) details on the road's construction such as whether any soil will need to be imported to raise the grade of the levee or widen the existing levee. Please be advised that any earth placed to widen or raise the levee will be considered fill in a salt pond. We understand that you are currently working with the City of Redwood City staff to receive authorization to

construct this road and that they have similar questions regarding the road. It may be prudent to ensure that the design of the road does not change per Redwood City requirements, before seeking a permit amendment. In addition, the fee for an administrative (nonmaterial) permit amendment is \$100.

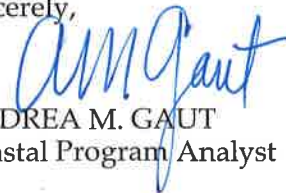
2. **Special Condition II-O-2; Marina Conditions, Waste Discharge.** Special Condition II-O-2 of the permit is typical language used by BCDC for all marina projects. The control of waste discharge outlined in your August 8, 2003 letter is appropriate and would meet this condition. Thus, the language for this special condition does not need to be changed. If you feel strongly about your proposed revised language, you may submit an amendment request.
3. **Special Condition II-Q; Personal Watercraft.** You have stated during telephone conversations that according to the Department of Boating and Waterways you cannot prohibit the use of any watercraft without providing sufficient justification. We believe that you can install signs prohibiting the launching of jetskis because the property is private. However, if you submit an amendment request that provides the Department of Boating and Waterways policies regarding the prohibition of personal watercraft and the language you would like revised in the permit, we may agree on an appropriate revision to this special condition. However, in the event personal watercraft are permitted to be launched here, we are likely to require additional signs alerting such boaters to avoid sensitive wildlife areas in the vicinity (Greco and Bair Islands).
Special Condition II-P-7; Live-aboard Boats. You state that you are "...unaware of a policy basis or element of the McAteer-Petris Act that provides for a restriction allowing time-limits on liveaboards or makes their mere existence subject to the public trust or Commission policies to be periodically renewed (or denied). I ask that item P-7, stating that 'use of 40 berths for liveaboards shall be limited to a five-year period' be removed." We have deleted item 7 of Special Condition II-P from the permit.
4. **Special Condition II-J; Cooperation on any Future Salt Pond Restoration.** You request to change the language to add "without undue cost to permittee". This condition is a required mitigation measure in the certified Mitigated Negative Declaration prepared by the City of Redwood City. We believe that it is not necessary to modify the permit as you request. The condition is only intended to assure your cooperation in the event that future restoration of adjoining salt ponds requires revisions to the authorized marina or your future operations. The intent is not to expose you to any significant, unexpected costs.
5. **Special Condition II-K: Visual Barriers to Adjacent Salt Pond.** Special Condition II-K is a required mitigation measure in the certified Mitigated Negative Declaration prepared by the City of Redwood City. We now understand that is unlikely that this mitigation measure can be implemented because of the project revisions that occurred while working with us. Once the City revises the environmental document, you may request an amendment to delete this language.
6. **Section I-C versus Standard Condition IV-H.** Section I-C of the permit requires you to commence prior to August 15, 2003 and complete the project by August 15, 2010, unless an extension to the permit is granted. Standard Condition IV-H states, in part, that "Unless otherwise provided in this permit, any work authorized herein shall be completed within the time limits specified in this permit, or if no time limits are specified in the permit, within three years." Because the permit does outline time limits, we do not believe that these two sections conflict or that any revisions are necessary.

Mr. Mark Sanders
August 21, 2003
Page 3

7. **Trail around the "majority" of the basin perimeter.** Language was changed in items I-A-15, I-D, and II-B-4 of the permit to reflect that the trail will not go around the entire basin perimeter.
8. **Special Condition II-B-10; Visual Access.** As written, this permit condition allows the installation of landscaping elements and historic displays, as discussed at the Design Review Board. However, final plans for the amenities proposed in the greens must be submitted to and approved by Commission staff according to Special Condition II-A of the permit.

Please feel free to call me with any questions or concerns at (415) 352-3618.

Sincerely,



ANDREA M. GAUT
Coastal Program Analyst

AMG/ra
cc: City of Redwood City Planning; Attn: Jill Ekas